

ATTORNEY'S DOCKET NO.  
062891.1149

PATENT APPLICATION

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APPLICATION FOR U.S. PATENT UNDER 37 C.F.R. § 1.53(b)

**UTILITY PATENT APPLICATION TRANSMITTAL FORM**

Mail Stop Patent Application  
COMMISSIONER FOR PATENTS  
Box 1450  
Alexandria, Virginia 22313-1450



Sir:

Transmitted herewith for filing is the utility patent application of:

**Inventor(s) or Application Identifier:**

Celite Milbrandt

**Entitled:** SYSTEM AND METHOD FOR DETERMINING THE TRANSMIT  
POWER OF A COMMUNICATION DEVICE OPERATING ON  
DIGITAL SUBSCRIBER LINES

**APPLICATION ELEMENTS:**

1. ☒ This Fee Transmittal Form (4 Total Pages)
2. Applicant is:  
☒ Large Entity  
☐ Small Entity  
☐ Small Entity Statement enclosed  
☐ Small Entity Statement filed in prior application.  
Status still proper and desired.
3. ☒ Specification (76 Total Pages)
4. ☒ Drawings (5 Total Sheets)  
☒ Formal  
☐ Informal
5. ☒ Combined Declaration and Power of Attorney  
(3 Total Pages)  
☐ Newly executed (original or copy)  
☒ Copy from a prior application  
(for continuation/divisional only)

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6. The accompanying application is:

☐ Original  
☒ Continuation  
☐ Divisional  
☐ Continuation-In-Part (CIP)  
**Prior Application No.: 09/364,775**  
**Filed: July 30, 1999**  
**Examiner: Duc Minh Nguyen**  
**Group/Art Unit: 2643**

which is hereby incorporated by reference therein.

(For Continuation or Divisional Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5 above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.)

7. ☐ Priority of foreign Application No. \_\_\_\_\_,  
filed on \_\_\_\_\_ is claimed under 35 U.S.C.  
§ 119.

☐ A certified copy is attached.

☐ A certified copy was filed in prior Application  
Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

8. ☒ The prior application is assigned of record to Cisco Technology, Inc., a California corporation, at reel 010148, frame 0774 in the U.S. Patent and Trademark Office records, and was recorded on July 30, 1999.

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**FEE CALCULATION:**

CLAIMS AS FILED IN THE APPLICATION, LESS ANY CLAIMS CANCELLED  
BY PRELIMINARY AMENDMENT OR ADDED BY PRELIMINARY AMENDMENT

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee
					\$ 750.00
Total Claims:	41	- 20 =	21	X \$18 =	\$378.00
Independent Claims	5	- 3 =	2	X \$84 =	\$168.00
Total of Above					\$ 1,296.00
Less 50% for Small Entity					\$ 00
TOTAL FILING FEE =					\$1,296.00

**ACCOMPANYING APPLICATION PARTS:**

9. ☐ An Assignment of the invention to \_\_\_\_\_ is attached.  
A separate cover sheet in compliance with 37 C.F.R. § 3.28 and  
§ 3.31 is included with an Assignment recordal fee of  
\$\_\_\_\_ pursuant to 37 C.F.R. § 1.21(h).

10. ☒ Information Disclosure Statement (IDS) PTO-1449  
☐ Copies of IDS Citations.  
☒ Pursuant to 37 C.F.R. § 1.98(d), copies of  
these references are not being furnished.

11. ☐ Preliminary Amendment

12. ☒ Certificate of Mailing (1 page)

13. ☒ Return Receipt Postcard (1 postcard)

14. ☒ Nonpublication Request (1 page)

15. ☐ Other \_\_\_\_\_

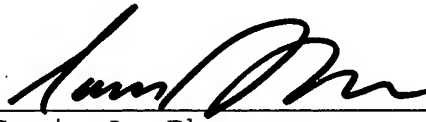
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16. [X] A check in the amount of \$1,296.00 to satisfy filing fee requirements under 37 C.F.R. § 1.16. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicant



Samir A. Bhavsar  
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(214) 953-6581

Date: July 24, 2003

Correspondence Address:

**Customer Number 05073**

ATTORNEY DOCKET NO.  
062891.1149

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Celite Milbrandt

Title: SYSTEM AND METHOD FOR DETERMINING THE TRANSMIT  
POWER OF A COMMUNICATION DEVICE OPERATING ON  
DIGITAL SUBSCRIBER LINES

MAIL STOP PATENT APPLICATION

Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application (76 pages), Fee Transmittal Form (4 pages), a check in the amount of \$1,296, Nonpublication Request (1 page), Formal Drawings (5 pages), Declaration and Power of Attorney (3 pages), Information Disclosure Statement (2 pages) and Form PTO-1449 (2 pages), Baker Botts return postcard (1 postcard), and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 24th day of July 2003 and is addressed to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450.

  
Willie Jiles

Express Mail Receipt  
No. EV 324627036 US

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Celite Milbrandt
	Title	SYSTEM AND METHOD FOR DETERMINING THE TRANSMIT POWER OF A COMMUNICATION DEVICE OPERATING ON DIGITAL SUBSCRIBER LINES
	Atty Docket Number	062891.1149

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

July 24, 2003  
Date

BAKER BOTTS L.L.P.  
Attorneys for Applicant

  
Signature

Samir A. Bhavsar  
Typed or printed name  
Reg No. 41,617

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.